

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

DARNELL HARRIS

v.

C.A. No. 09-278 S

CAPTAIN DUFFY, et al.

MEMORANDUM AND ORDER

Jacob Hagopian, Senior United States Magistrate Judge

Plaintiff, Darnell Harris, *pro se*, is an inmate at the Adult Correctional Institutions ("ACI") in Cranston, Rhode Island. He filed the instant action under 42 U.S.C. § 1983 complaining that defendants have violated his Constitutional rights. Currently before the Court is plaintiff's motion for the Court to appoint counsel to represent him in the instant civil action (Docket # 14).

In the appropriate case, the Court "may request an attorney to represent any person unable to afford counsel" in a civil action. 28 U.S.C. § 1915(e). However, there is no absolute constitutional right to a "free lawyer" in a civil case. *DesRosier v. Moran*, 949 F.2d 15, 23 (1<sup>st</sup> Cir. 1991). Absent exceptional circumstances, the Court cannot appoint counsel in a civil matter. *Id.* at 23. In determining whether exceptional circumstances exist, the Court must examine the total situation, considering matters including the merits of the case, the complexity of the legal issues, and the litigant's ability to represent himself. *Id.*

Here, I have reviewed plaintiff's complaint and the motions that he has filed in this case. The issues presented in the complaint are not so complex that plaintiff is unable to represent himself. Moreover, plaintiff's filings demonstrate that he is able to present the facts and the issues himself. Accordingly, plaintiff's motion for the Court to appoint counsel is **DENIED**.

**IT IS SO ORDERED.**



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Jacob Hagopian  
Senior United States Magistrate Judge  
October 6, 2009